

Faulk, Camilla

From: Richard Hansen [Richard@ahmlawyers.com]
Sent: Monday, April 18, 2011 4:06 PM
To: Faulk, Camilla
Subject: Proposed Criminal Rule 4.11 re recorded interviews in criminal cases.

I am writing to urge the Court, in the strongest terms, to adopt Proposed Criminal Rule 4.11.

By way of background, I tried my first criminal case in 1974 and still practice criminal law in state and federal court, handling both trials and appeals. I was a public defender for 3 ½ years and served as president of the board of The Defender Association for ten years. I also founded and served as first president of the Washington Association of Criminal Defense Lawyers (WACDL), and I have taught criminal law courses at both UW and Seattle University Law Schools.

Most prosecutors I know prefer tape recordings for all the right reasons. They create the most fair and accurate record of who said what (other than videotaping), they ensure accuracy and save the cost of having an investigator present taking notes, which are never entirely complete or accurate. The interview goes faster and it is more comfortable without having note takers present. A tape recorder is not intrusive or invade the privacy of the witness any more than the interview itself with note takers present. In nearly all cases, we eventually win the right to record interviews but this often requires a motion, briefing, and court order, which is a huge waste of time, money and resources at a time when we can hardly afford to be wasteful.

I know I speak for the vast majority of lawyers, even prosecutors, in urging the court to adopt this rule.

Thank your for considering my input.

Richard Hansen

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